

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, June 7, 2022

Hearing Room

5B

10:30 AM

8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

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Docket 0

Tentative Ruling:

- NONE LISTED -

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8:21-12313 John A. Rudy

Chapter 7

**#1.00 Motion for relief from the automatic stay UNLAWFUL DETAINER
(cont'd from 5-24-22)**

**IVY LIU
Vs.
DEBTOR**

Docket 26

Tentative Ruling:

Tentative for 6/7/22:

Grant. Reportedly, there is no lease (exp. 2014) and even month to month payments have not been made in over 18 months. This is a Chapter 7 liquidation so continuation of the stay has to have some property of the estate aspect, which is totally absent here. When/if state COVID monies are received that is a battle between the trustee and the landlord, but does not affect what the court must decide here. Debtor inconvenience, however real, is not the focus.

Party Information

Debtor(s):

John A. Rudy

Represented By
J.D. Cuzzolina

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:21-12231 Elite Aerospace Group, Inc.

Chapter 7

#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY
(cont'd from 5-24-22 per order granting stip. to cont. hrg on mtn for rlfsty
filed by Sumitomo Mitsui Finance and Leasing Co., Ltd. entered 5-20-22)

SUMITOMO MITSUI FINANCE AND LEASING CO., LTD
Vs
DEBTOR

Docket 308

*** VACATED *** REASON: OFF CALENDAR - NOTICE OF
WITHDRAWAL OF MOTION FOR RELIEF FROM AUTOMATIC STAY,
WITHOUT PREJUDICE, AND REQUEST TO TAKE MATTER OFF
CALENDAR FILED 6-06-22

Tentative Ruling:

Party Information

Debtor(s):

Elite Aerospace Group, Inc.

Represented By
David L. Neale
Juliet Y. Oh
Richard P Steelman Jr
Michael B Lubic
Lindsey L Smith

Movant(s):

Sumitomo Mitsui Finance and

Represented By
Matthew F Kye
Richard A Solomon

Trustee(s):

Karen S Naylor (TR)

Represented By
Todd C. Ringstad

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8:21-10045 Amparo M Ulloa

Chapter 13

#3.00 Motion for relief from the automatic stay REAL PROPERTY

**U.S. BANK TRUST NATIONAL ASSOCIATION
Vs
DEBTOR**

Docket 47

***** VACATED *** REASON: OFF CALENDAR - SETTLED BY
STIPULATION - ORDER GRANTING MOTION FOR RELIEF FROM
THE AUTOMATIC STAY ENTERED 6-02-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amparo M Ulloa

Represented By
Matthew D. Resnik

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:22-10575 Se Mi Kang

Chapter 7

#4.00 United States Trustee's Motion To Dismiss Chapter 7 Case, With A 180-Day Bar To Refiling Pursuant To 11 U.S.C. §§ 707(B)(3)(A), 105(A), 109(G) And 349

Docket 10

Tentative Ruling:

Tentative for 6/7/22:
Serial filing. Grant with 180-day bar.

Appearance: required

Party Information

Debtor(s):

Se Mi Kang

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:22-10648 Rhazon Smith

Chapter 7

#5.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition Against an Individual.

Docket 1

Tentative Ruling:

Tentative for 6/7/22:
Status of service? No status report?

Appearance: required

Party Information

Debtor(s):

Rhazon Smith

Pro Se

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8:17-10976 Zia Shlaimoun

Chapter 7

#6.00 Trustee's Final Report And Application For Compensation:

THOMAS H. CASEY, CHAPTER 7 TRUSTEE

**THE LAW OFFICE OF THOMAS H. CASEY, INC., ATTORNEY FOR CH 7
TRUSTEE**

HAHN FIFE & COMPANY, ACCOUNTANT FOR TRUSTEE

UNITED STATES BANKRUPTCY COURT, CLERK OF THE COURT

**LAW OFFICES OF MICHAEL JASON LEE, APLC, SPECIAL COUNSEL FOR
CHAPTER 7 TRUSTEE**

Docket 276

Tentative Ruling:

Tentative for 6/7/22:

Allowed as prayed. Appearance: optional

Party Information

Debtor(s):

Zia Shlaimoun

Represented By
Charles Shamash
David B Shemano

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Michael Jason Lee
Sunjina Kaur Anand Ahuja
Michael J Lee

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8:19-10158 BP Fisher Law Group, LLP

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#7.00 Specialized Loan Servicing LLC's Motion to Compel DCM-P-1, LLC's Further Responses To Requests For Production Of Documents, Set One; And Request for Monetary Sanctions
(cont'd from 5-03-22)

Docket 1114

Tentative Ruling:

Tentative for 6/7/22:
Status on implementation of agree procedure?

Appearance: required

Tentative for 5/3/22:
The court was given to understand there was a good possibility that these issues would be worked out. Status?

Tentative for 3/22/22:
This is creditor, Specialized Loan Servicing LLC's ("SLS") Motion to Compel DCM-P-1, LLC's Further Responses To Requests For Production Of Documents, Set One; And Request for Monetary Sanctions. The motion is opposed by DCM-P-1, LLC ("DCM"). To keep this motion organized, the parties entered into a joint stipulation laying out the requests for productions and each side's arguments.

Background

The following recitation of the background facts of this motion are taken from the joint stipulation, and therefore, should be undisputed.

SLS is the servicer of certain residential mortgages for a securitized trust called RBSHD 2013-1 and another third-party investor. Pertinent here,

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SLS hired debtor BP Fisher Law Group LLC (“Debtor”) as its substitute trustee to foreclose on mortgage loans on seven properties in New Jersey (6 properties) and New York (1 property). Debtor subsequently failed to turn over \$1,911,898.02 in foreclosure proceeds it owed to SLS. On September 16, 2019, SLS timely filed a proof of claim (the “Claim”). Neither Debtor nor the chapter 7 trustee dispute the Claim. In fact, Debtor schedules SLS as an unsecured creditor.

On October 31, 2019, Lexington National Insurance Corporation (“Lexington”) filed its Limited Objection to and Motion to Disallow Proof of Claim No. 65 filed by Specialized Loan Servicing LLC (“Claim Objection”) creating a contested matter. On April 30, 2021, DCM-P1 filed the Request for Issuance of Notice of Transfer of Claim Pursuant to FRBP 3001(e) (“Claim Transfer”) creating a contested matter. In the Claim Transfer, it appears that DCM-P1 contends that SLS lacks standing to proceed on the Claim because DCM-P1, in its purported capacity as Majority Certificateholder of RBSHD 2013, instructed the RBSHD 2013-1 trustee to terminate SLS as servicer and appoint Distressed Capital Management, LLC (“DCM”) as successor servicer. On May 25, 2021, SLS filed its Objection of Creditor Specialized Loan Servicing LLC to Transfer of Claim Other than for Security creating a contested matter (“SLS’s Objection”, together with Lexington’s Claim Objection, the “Contested Matters”).

In July 2021, SLS served written discovery requests on DCM-P1. DCM-P1 eventually served written responses, including (allegedly) untimely responses to the Requests. However, SLS alleges that DCM-P1 has failed to produce a single document despite representing that it would do so in its written discovery responses, and despite stipulating to a court order that it would produce responsive documents on or before September 24, 2021.

The Requests seek documents concerning: (1) DCM-P1’s standing with respect to the

Claim; (2) the purported termination of SLS as servicer for RBSHD 2013-1; (3) the appointment of DCM – an affiliate of DCM-P1 that is also controlled by Mr. Browndorf – as successor servicer for RBSHD 2013-1; and (4) the Claim Transfer. SLS asserts that despite many efforts, DCM has failed and refused to produce a single document in response to the Requests.

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DCM is a single member limited liability company. DCM-P1, LLC has one officer and owner, Matthew Browndorf. There are no physical office locations, or buildings, or any physical existence to this corporation. There are other bankruptcy proceedings that may be relevant to this dispute as they affect Mr. Browndorf: In Re Sarina Browndorf 8:21-bk-12506-TA and In Re: DCM-P3, LLC 8:21-bk-12507-TA. Mr. Browndorf reports being ill with COVID-19, which DCM argues, has impacted his ability to produce corporate documents. Additionally, DCM asserts that Mr. Browndorf is in a dissolution proceeding with his wife, Sarina Browndorf. Sarina Browndorf acquired an injunction in that proceeding prohibiting Matthew Browndorf from entering his residence. Mr. Browndorf's office, and DCM-P1, LLC's records, are in that residence. DCM further asserts that Sarina Browndorf is also the Debtor-In-Possession in her own Chapter 11 proceeding. Mr. Browndorf, as a creditor of his wife's case, is enjoined by both the effects of the Automatic Stay in the bankruptcy case and the Temporary Restraining Order issued by the California Superior Court Family Law Division. As a result, DCM asserts, entering into and rooting around his business records to respond to these requests is currently prohibited by law.

On September 14, 2021, SLS, DCM-P1, Matthew Browndorf and Lexington National Insurance Company ("Lexington") submitted a Joint Stipulation to Reset Scheduling Order stating, in pertinent part, that: "DCM shall serve its written responses and produce documents responsive to SLS's discovery requests on or before September 24, 2021." SLS asserts that DCM has not abided by this agreement.

The RFPs

The following are the requests for production, DCM's response, and each side's position with respect to this motion:

RFP #1 - All documents evidencing, referring, and/or relating to the Claim including, without limitation, the foreclosure sale proceeds at issue in the Claim.

DCM Response: Documents responding to this category were filed with the Bankruptcy Court in support of the Responding Party's Request to

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Transfer Claim, Docket #971. Further, documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered.

SLS argues that this response is improper because it still fails to produce responsive documents despite DCM agreeing to do so in the stipulated agreement. SLS argues that the documents requested for production are clearly relevant to this proceeding, and should be produced pursuant to Fed. R. Civ. P. 26(b) (which allows for “discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense.”)

DCM argues that SLS already has the documents it requested as they were included in docket #971. Any other relevant documents would be in the Mr. Browndorf’s former residence, which he does not have access to at this time. The discovery deadline has passed (2/11/22) and thus, this issue is resolved.

DCM’s response is unconvincing. SLS is entitled under the federal rules governing discovery to have produced all nonprivileged documents requested that are relevant to a party’s claim or defense. DCM argues that it has produced such documents, but tacitly admits that there are possibly others that SLS would, in theory, be entitled to but for the assertion that Mr. Browndorf simply does not have access to his home. DCM does not cite any authority for the proposition that temporary inability to access documents due to pending divorce proceedings is a valid excuse for failing to produce relevant documentation. Certainly, an order from this court for the limited purpose of retrieving documentation that might be contained within Mr. Browndorf’s former residence could be issued. If approval or consent of the family court is required, the court would expect that could be obtained expediently. Further, DCM does not explain with any specificity what documents are contained in docket #971(a very long document) that are directly responsive to this RFP. Thus, the court is without guidance as to whether responsive documents have actually been produced. This uncertainty likely cuts against DCM.

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RFP #2 - All documents evidencing, referring, and/or relating to communications between you and any person concerning the foreclosure sale proceeds at issue in the Claim.

DCM Response: Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further, documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered.

SLS argues that DCM-P1's statement that any responsive documents have been produced is inaccurate. The Request seeks communications with "any person," which includes, without limitation, Debtor, Pluto Sama Holdings (Debtor's ultimate parent and a DCM-P1 affiliate), Lexington, DCM-P1's investor(s), the stakeholders in RBSHD 2013-1, etc. DCM-P1 has not produced any such communications and SLS does not have possession of such communications. SLS asserts that any documents evidencing DCM-P1's communications with persons concerning the foreclosure proceeds at issue in the Claim are obviously relevant to the Claim Transfer as well as the Contested Matters. DCM's position is the same as above. The analysis paragraph is likewise the same.

RFP #3 - All documents evidencing, referring, and/or relating to the termination of SLS as a servicer of the Trust.

DCM Response: Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further documents are likely in the possession of the Chapter 7 Trustee Richard A. Marshack [sic] Further documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered. Responding Party provides notice that certain documents responding to this category may be subject to the court's Protective Order entered as Docket # 974.

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SLS argues that RFP #3 seeks documents related to the termination of SLS as servicer for RBSHD 2013-1. By way of example only, this would include DCM-P1's internal communications concerning the purported termination of SLS as servicer. DCM-P1 has not produced, and SLS does not have any such communications. SLS asserts that aside from the minimal documents annexed to the Claim Transfer, DCM-P1 has not produced any communications with the RBSHD 2013-1 trustee or its counsel, communications with stakeholders in RBSHD 2013-1, Lexington, etc. concerning the purported servicer termination initiated by DCM-P1. SLS argues that DCM has no basis for asserting that the requested documents are subject to the stipulated protective order (dkt. 974). Finally, SLS argues that the assertion that the responsive documents are with trustee Marshack is not a valid basis to withhold documents. DCM argues again that the responsive documents are in docket #971. Further, the reference to Mr. Marshack, DCM argues, is not an attempt to be evasive, but is made because Mr. Marshack has been an active participant in the case and would be a good source for responsive documents.

As SLS argues, the argument that the trustee might be in possession of the responsive documents does not alleviate DCM from directly producing the responsive documents it may have. This argument is not compelling, and DCM should be required to further explain.

RFP #4 - All documents evidencing, referring, and/or relating to communications you had with the Christiana regarding the appointment of a successor servicer for the Trust since January 1, 2018.

DCM Response: Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further documents are likely in the possession of the Chapter 7 Trustee Richard A. Marshack. Further documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered. Responding Party provides notice that certain documents responding to this category may be subject to the court's Protective Order entered as Docket #974.

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SLS argues that aside from attaching a single piece of correspondence dated May 7, 2020 to the Claim Transfer as an exhibit, DCM-P1 has not produced any communications with the RBSHD 2013-1 trustee or its counsel, concerning the appointment of a successor servicer for RBSHD 2013-1. The other arguments are the same as those put forth above. DCM's position is also the same as those put forth above. Thus, the analysis above also likely applies.

RFP #5 – All documents evidencing, referring, and/or relating to communications you had with the Christiana relating to the transactions and/or occurrences described in the Claim, Claim Transfer and/or the Claim Transfer Objection.

DCM Response: Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further documents are likely in the possession of the Chapter 7 Trustee Richard A. Marshack. Further documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered. Responding Party provides notice that certain documents responding to this category may be subject to the court's Protective Order entered as Docket #974.

SLS argues that DCM has failed to include documents responsive to this request. SLS asserts that these would include: (1) any communications concerning Mr. Browndorf causing the Debtor to misappropriate assets that belong to RBSHD 2013-1 and its certificateholders (which purportedly include DCM-P1); (2) any communications concerning any consent of other RBSHD 2013-1 certificateholders obtained by DCM-P1 to take action in contravention of the express terms of the RBSHD 2013-1 Trust Agreement and Servicing Agreement. DCM makes the same arguments as above. Analysis same as above.

RFP# 7 - All documents evidencing, referring, and/or relating to

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communications you have had with any Certificateholder relating to the Trust since January 1, 2018.

DCM Response: There are no documents responding to this category. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered.

SLS argues that DCM-P1's statement that it has no responsive documents in response to this Request is inconsistent with DCM-P1's answers to interrogatories concerning the same subject matter. For example, in response to Interrogatory No. 6, DCM-P1 states that it communicates daily with the Certificateholder. Grant Decl., Exhibit 2. In addition, SLS argues, in response to Interrogatory No. 9 DCM-P1 disclosed that there are written consents it received from Certificateholders that could be produced subject to a discussion between counsel. Id. During the parties telephonic meet and confer on December 8, 2021, DCM-P1's counsel agreed to produce responsive documents on or before December 17, 2021. Id. at ¶ 20. DCM-P1's counsel confirmed that agreement in writing on December 10, 2021. Id., Exhibit 4. Communications between DCM-P1 and other certificateholders of RBSHD 2013-1 since January 1, 2018 will provide material information including, inter alia, (1) the identity of the other certificateholders and (2) whether DCM-P1 has obtained the consent of other RBSHD 2013-1 certificateholders with respect to the actions DCM-P1 has taken in relation to the Claim, the Claim Transfer and the purported termination of SLS as servicer and appointment of an ineligible entity as successor servicer for RBSHD 2013-1. DCM maintains its response.

It's hard to know what is going here. SLS seems certain that documentation responsive to its RFP exists, but DCM seems adamant that it does not have control over any such documentation. It is not clear if this lack of control stems from Mr. Browndorf's ability to access his ex-residence. DCM should be required to elaborate on this point.

RFP #8 - All documents evidencing, referring, and/or relating to communications you have had with RMS relating to the Trust since January 1, 2018.

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DCM Response - Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further documents are likely in the possession of the Chapter 7 Trustee Richard A. Marshack. Further documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered Responding Party provides notice that certain documents responding to this category may be subject to the court's Protective Order entered as Docket #974.

SLS argues that it seeks documents related to communications between DCM-P1 and RMS Asset Management, LLC ("RMS") relating to RBSHD 2013-1 since January 1, 2018. RMS is the Credit Risk Manager for RBSHD 2013-1. Pursuant to the RBSHD 2013-1 Servicing Agreement, RMS's duties include, inter alia, "oversight and surveillance of each Servicer." DCM-P1 has not produced any communications with the RMS concerning RBSHD 2013-1 or the appointment of a successor servicer in discovery. SLS argues that DCM-P1's communications with RMS concerning RBSHD-2013 are potentially relevant to the following issues: (1) any communications concerning Mr. Browndorf causing the Debtor to misappropriate assets that belong to RBSHD 2013-1 and its certificateholders (which include DCM-P1); and (2) any communications concerning any consent of other RBSHD 2013-1 certificateholders obtained by DCM-P1 to take action in contravention of the express terms of the RBSHD 2013-1 Trust Agreement and Servicing Agreement. Of note, the successor servicer identified by DCM-P1 is DCM, another entity controlled by Mr. Browndorf. Upon information and belief, DCM does not meet any of the criteria for a successor servicer set forth in the operative Servicing Agreement. DCM maintains its response.

SLS argues that the documents it seeks would not be subject to the protective order. SLS does seem to hedge a bit by saying "To the extent DCM-P1 has possession or control of responsive documents, DCM-P1 must produce them." It is not clear that DCM has such documents within its control, but DCM should make that clear for the record.

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RFP #9 - All documents evidencing, referring, and/or relating to communications you have had with any Noteholder relating to the Trust since January 1, 2018.

DCM Response: There are no documents responding to this category. Further, documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered.

SLS argues that DCM-P1's initial statement that it has no responsive documents contradicts the immediately following response that documents would be produced on a rolling basis. DCM-P1's statement that it has no responsive documents also contradicts DCM-P1's answers to interrogatories concerning the same subject matter. For example, in response to Interrogatory No. 7, DCM-P1 states that it communicates daily with the Noteholder. Grant Decl., Exhibit 2. In addition, in response to Interrogatory No. 10 DCM-P1 disclosed that there are written consents it received from Noteholders that could be produced subject to a discussion between counsel. Id. Further, SLS argues, Communications between DCM-P1 and the Noteholders of RBSHD 2013-1 since January 1, 2018 will provide material information including, inter alia, (1) the identity of the other Noteholders and (2) whether DCM-P1 has obtained the consent of other RBSHD 2013-1 Noteholders with respect to the actions DCM-P1 has taken in relation to the Claim, the Claim Transfer and the purported termination of SLS as servicer and appointment of an ineligible entity as successor servicer for RBSHD 2013-1. DCM maintains its initial response.

DCM should be required to address the apparent contradictions identified by SLS.

RFP #11 - All documents evidencing, referring, and/or relating to DCM's net worth since January 1, 2019.

DCM Response - Responding Party provides notice that certain documents responding to this category maybe subject to the court's

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Protective Order entered as Docket #974. Upon the agreement of the Propounding Party that these documents do so qualify under the order, Responding Party will produce these records.

SLS argues that pursuant to the Servicing Agreement, “[a]ny successor to a Servicer appointed by the Majority Certificateholder pursuant to this Section 7.04 shall (i) be a HUD approved servicer and (ii) have a net worth of at least \$10,000,000. In addition, any successor Servicer must be acceptable to the Seller (as evidenced by its written consent).” Grant Decl. at Exhibit 5. § 7.04 (emphasis added). SLS argues that DCM-P1 directed the RBSHD 2013-1 trustee to appoint DCM as the successor servicer. Documents evidencing or related to DCM’s net worth are plainly relevant to the issue of whether DCM satisfies the successor servicer criteria set forth in the Servicing Agreement. SLS also argues that these documents would not be subject to the stipulated protective order. DCM actually agrees, but states that these documents are likely within Mr. Browndorf’s ex-residence and presently out of his reach.

RFP #12 - All documents evidencing, referring, and/or relating to DCM being a HUD approved servicer.

DCM Response - Responding Party provides notice that certain documents responding to this category maybe subject to the court's Protective Order entered as Docket #974. Upon the agreement of the Propounding Party that these documents do so qualify under the order, Responding Party will produce these records.

SLS argues that Pursuant to the Servicing Agreement, “[a]ny successor to a Servicer appointed by the Majority Certificateholder pursuant to this Section 7.04 shall (i) be a HUD approved servicer and (ii) have a net worth of at least \$10,000,000. In addition, any successor Servicer must be acceptable to the Seller (as evidenced by its written consent).” Grant Decl., Exhibit 5, § 7.04 (emphasis added). DCM-P1 directed the RBSHD 2013-1 trustee to appoint DCM as the successor servicer. Documents evidencing or relating to whether DCM is a HUD approved servicer are, SLS argues, plainly relevant to the issue of whether DCM satisfies the successor servicer criteria

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set forth in the Servicing Agreement. SLS also argues that there is no basis to conclude that these documents fall under the purview of the protective order. DCM agrees but, again, the documents are in Mr. Browndorf's residence.

RFP #13 - All documents evidencing, referring, and/or relating to any written consent you have received from another person to appoint DCM as the successor servicer for the Trust.

DCM Response - Any documents that respond to this category have already been produced and are in the Propounding Party's custody and control. Further documents are likely in the possession of the Chapter 7 Trustee Richard A. Marshack. Further documents to be produced on a rolling production and identified by bates number as discovery proceeds. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered. Responding Party provides notice that certain documents responding to this category may be subject to the court's Protective Order entered as Docket #974.

SLS argues that DCM-P1's statement that any responsive documents have been produced is inaccurate. SLS clarifies that the request seeks documents evidencing and/or relating to any written consent DCM-P1 received from another person to appoint DCM as the successor servicer for RBSHD 2013-1. SLS asserts that aside from attaching a single piece of correspondence concerning the purported termination of SLS and appointment of DCM as successor servicer to the Claim Transfer, DCM-P1 has not produced any documents evidencing or relating to any written consent DCM-P1 supposedly received from another person to appoint DCM as the successor servicer for RBSHD 2013-1. SLS asserts that these documents would include any internal or external communications involving DCM-P1 and concerning any consent of other RBSHD 2013-1 certificateholders obtained by DCM-P1 to take action in contravention of the express terms of the RBSHD 2013-1 Trust Agreement and Servicing Agreement. Further, SLS asserts, pursuant to the RBSHD 2013-1 Trust Agreement, DCM-P1 is required to obtain the informed consent of the other Certificateholders before it can forfeit their percentage interest in the converted foreclosure sale proceeds. Grant Decl., Exhibit 6, p. 31, § 11.01.

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Any documents evidencing any written consent obtained by DCM-P1 from any person to take action in contravention of the express terms of the RBSHD 2013-1 Trust Agreement and Servicing Agreement are obviously relevant to the Claim Transfer as well as the Contested Matters. SLS also argues that there is no basis for DCM's assertion that documents sought by the RFP are subject to the protective order, and similarly, there is no basis for withholding documents based on the purported possession of the trustee.

DCM asserts that the documents sought by this RFP were already produced in docket #971 and so SLS already has them, and, in any case, DCM-P1 is a single member LLC and as such does not have possession of written communications with its principal. But again, DCM offers no specifics as to its purported production in docket #971. Also as noted above, the argument that the trustee is likely in possession of the documents sought should not excuse DCM from producing the documents it does possess that are responsive to this request.

RFP #15 - All documents evidencing, referring, and/or relating to distribution of payments from the Trust to Certificateholders since January 1, 2015.

DCM's Response - Responding Party provides notice that certain documents responding to this category maybe subject to the court's Protective Order entered as Docket #974. Upon the agreement of the Propounding Party that these documents do so qualify under the order, Responding Party will produce these records.

SLS argues that DCM-P1, in its purported capacity as Majority Certificateholder of RBSHD 2013, instructed the trustee of RBSHD 2013-1 to terminate SLS as servicer and appoint DCM as successor servicer. Thus, Documents evidencing or relating to distribution of payments from the Trust to Certificateholders since January 1, 2015 are relevant to, inter alia (1) whether DCM-P1 is, in fact the Majority Certificateholder and (2) the identity of the other certificateholders. DCM-P1's authority with respect to RBSHD 2013-1 as well as documents relating to distributions to certificateholders of RBSHD 2013-1 are obviously relevant to the Claim Transfer as well as the Contested Matters. SLS also argues that there is no basis for concluding that the

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documents sought by this RFP are covered by the protective order. DCM agrees, but again, says the responsive documents are in Mr. Browndorf's residence.

RFP #18 - All documents evidencing, referring, and/or relating to an assignment of the Claim from SLS to DCM-PI.

DCM's Response - These documents are in the possession of the Propounding Party and were filed with the Bankruptcy Court in the Responding Party's Request to Transfer of Claim as Docket #971. Discovery is ongoing and the Responding Party reserves the right to supplement this response with further information as such is discovered.

SLS argues that DCM-P1's statement that any responsive documents were filed with the Bankruptcy Court in the Responding Party's Request to Transfer of Claim as Docket #971 is inaccurate. The Claim Transfer does not include any documents pursuant to which the Claim was purportedly assigned by SLS to DCM-P1. Presumably this is because SLS never assigned the Claim to DCM-P1. In any case, documents evidencing and/or relating to the purported assignment of the Claim to DCM-P1 are, SLS argues, obviously relevant to the Claim Transfer as well as the Contested Matters. DCM maintains its response.

SLS Request For Sanctions:

SLS argues that DCM is being unnecessarily uncooperative with what are very basic discovery requests. As a result of DCM's lack of cooperation, SLS has been forced to file a motion to compel and expend considerable time and effort doing so. As such, SLS requests sanctions in the amount of \$5,760 for fees and costs incurred in this motion.

DCM asserts that it will try to resolve at least some of these issues prior to the hearing on this matter. However, DCM argues that the multiple bankruptcy proceedings and the divorce are complicating factors in the discovery process that the court should consider before awarding any

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sanctions.

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Sanctions are likely appropriate here. The court agrees that these RFPs are relevant and standard as SLS argues. DCM does not really argue to the contrary, but only argues that either these documents were already produced, were subject to a protective order, are in the possession of the trustee, or out of Mr. Browndorf's reach. But very little in the way of analysis is offered to support these contentions, which makes them less convincing. However, the multiple bankruptcy filings and the divorce do seem like they have the potential to complicate matters and might take this out of the realm of simple bad faith refusal to comply. It is not clear what steps have been taken by DCM to comply with these requests before the hearing.

Depending on the amount of cooperation evidenced since the papers were filed, and the strength of the arguments about inability to retrieve documents in the residence or outside of Mr. Browndorf's control, the court will levy an initial sanction [amount to be determined], but to increase if a more fulsome compliance is not forthcoming within a 60 day period.

The escalating dollar amounts will be decided at the hearing. More fulsome compliance is compelled as stated above.

Appearance: required

Party Information

Debtor(s):

BP Fisher Law Group, LLP

Represented By
Marc C Forsythe
Michael S Myers

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang
Marc C Forsythe
Charity J Manee

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Laila Masud

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8:19-10158 BP Fisher Law Group, LLP

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#8.00 Order To Show Cause Re: Specialized Loan Servicing LLC's Motion To Compel Matthew Browndorf To Produce Documents And Related Relief
(cont'd from 5-03-22)

Docket 0

Tentative Ruling:

Tentative for 6/7/22:
Same as #7.

Tentative for 5/3/22:
See #4.

Tentative for 3/22/22:
See #10.

Party Information

Debtor(s):

BP Fisher Law Group, LLP

Represented By
Marc C Forsythe
Michael S Myers

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang
Marc C Forsythe
Charity J Manee
Laila Masud

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8:19-14912 Igor Shabanets

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**#9.00 Objection Of Chapter 7 Trustee To Claim Of Dmitriy Rasskazov
[Claim No. 23-1]**

Docket 521

Tentative Ruling:

Tentative for 6/7/22:

No opposition. For the reasons outlined by the trustee, which appear correct,
sustain objection.

Appearance: optional

Party Information

Debtor(s):

Igor Shabanets

Represented By
Bruce A Boice

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang

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8:17-13482 Catherine M Haretakis

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#10.00 Chapter 7 Trustee's Motion Pursuant To 11 U.S.C. § 502 For Order Disallowing Claim 8 Filed By Callahan Thompson Sherman & Caudill, LLP

Docket 390

***** VACATED *** REASON: NOTICE OF WITHDRAWAL OF
CHAPTER 7 TRUSTEE'S MOTION PURSUANT TO 11 U.S.C. SECTION
502 FOR ORDER DISALLOWING CLAIM 8 FILED BY CALLAHAN
THOMPSON SHERMAN & CAUDILL, LLP FILED 5/17/2022, DKT#396**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catherine M Haretakis

Represented By
Donald W Sieveke

Trustee(s):

Thomas H Casey (TR)

Represented By
Beth Gaschen